



# Journal of the Senate

State of Indiana

115th General Assembly

First Regular Session

Forty-sixth Meeting Day

Wednesday Afternoon

April 25, 2007

The Senate convened at 2:14 p.m., with the President of the Senate, Rebecca S. Skillman, in the Chair.

Prayer was offered by Senator R. Michael Young.

The Pledge of Allegiance to the Flag was led by the President of the Senate.

The Chair ordered the roll of the Senate to be called. Those present were:

Alting	Long
Arnold	Lubbers
Becker	Meeks ▣
Boots	Merritt
Bray	Miller
Breaux	Mishler
Broden	Mrvan
Deig	Nugent
Delph	Paul
Dillon	Riegsecker ▣
Drozda	Rogers
Errington	Simpson ▣
Ford	Sipes
Gard	Skinner ▣
Heinold	Smith
Hershman	Steele
Howard	Tallian
Hume	Walker
Jackman	Waltz
Kenley	Waterman
Kruse	Weatherwax
Lanane	Wyss
Landske	Young, M.
Lawson	Young, R.
Lewis	Zakas

Roll Call 464: present 46; excused 4. [Note: A ▣ indicates those who were excused.] The Chair announced a quorum present. Pursuant to Senate Rule 5(d), no motion having been heard, the Journal of the previous day was considered read.

## MESSAGE FROM THE GOVERNOR

Madam President and Members of the Senate: On April 24, 2007, I signed the following enrolled acts into law: SEA 401 and 501.

MITCHELL E. DANIELS, JR.  
Governor

## MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has passed Senate Concurrent Resolution 104 and the same is herewith returned to the Senate.

CLINTON MCKAY  
Principal Clerk of the House

## MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has passed House Concurrent Resolutions 81, 82, and 83 and the same are herewith transmitted for further action.

CLINTON MCKAY  
Principal Clerk of the House

## MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the Speaker of the House has appointed the following Representatives to a conference committee to confer with a like committee of the Senate on Engrossed Senate Bill 191:

Conferees:

Tincher and Buell

Advisors:

Summers, T. Brown, and T. Harris

CLINTON MCKAY  
Principal Clerk of the House

## MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the Speaker of the House has appointed the following Representatives to a conference committee to confer with a like committee of the Senate on Engrossed Senate Bill 211:

Conferees:

Porter and Thompson

Advisors:

Grubb and Noe

CLINTON MCKAY  
Principal Clerk of the House

## MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the Speaker of the House has appointed the following Representatives to a conference committee to confer with a like committee of the Senate on Engrossed Senate Bill 339:

Conferees:

Van Haaften and Whetstone

Advisors:

Kuzman, Stutzman, Burton, and Ulmer

CLINTON MCKAY  
Principal Clerk of the House

April 25, 2007

Senate 1171

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the Speaker of the House has appointed the following Representatives to a conference committee to confer with a like committee of the Senate on Engrossed Senate Bill 463:

Conferees:

Tincher and Ruppel

Advisors:

Niezgodski, Davis, and Duncan

CLINTON MCKAY  
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the Speaker of the House has appointed the following Representatives to a conference committee to confer with a like committee of the Senate on Engrossed Senate Bill 537:

Conferees:

Cheney and Bell

Advisors:

Stilwell and Torr

CLINTON MCKAY  
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the Speaker of the House has appointed the following Representatives to a conference committee to confer with a like committee of the Senate on Engrossed House Bill 1312:

Conferees:

Austin, Chair

Neese

Advisors:

Denbo and Buell

CLINTON MCKAY  
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the Speaker of the House has appointed the following Representatives to a conference committee to confer with a like committee of the Senate on Engrossed House Bill 1461:

Conferees:

Kuzman, Chair

Bosma

Advisors:

Klinker, Dobis, and T. Harris

CLINTON MCKAY  
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has adopted the Senate amendments to Engrossed House Bills 1019, 1092, 1220, 1278, 1287, 1348, 1557, and 1739 and are eligible for enrollment.

CLINTON MCKAY  
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has accepted and approved the Joint Rule 20 correction on Engrossed House Bill 1387.

CLINTON MCKAY  
Principal Clerk of the House

**PRESIDENT PRO TEMPORE'S REPORT  
OF  
ASSIGNMENT OF CONFEREES**

Pursuant to Rule 81(b), of the Standing Rules and Orders of the Senate, President Pro Tempore David C. Long has appointed the following senators to serve as Senate conferees (or advisors) on Engrossed House Bill 1115:

Conferees: Jackman and Sipes

Advisors: Heinold and Deig

LONG  
Date: 4/24/2007  
Time: 3:57 p.m.

Report adopted.

**PRESIDENT PRO TEMPORE'S REPORT  
OF  
CONFEEEE CHANGES**

Pursuant to Rule 81(c), of the Standing Rules and Orders of the Senate, President Pro Tempore David C. Long has made the following change in conferee (or advisor) appointments to Engrossed House Bill 1115:

Steele to replace Jackman as conferee

LONG  
Date: 4/25/2007  
Time: 11:07 p.m.

Report adopted.

**PRESIDENT PRO TEMPORE'S REPORT  
OF  
ASSIGNMENT OF CONFEREES**

Pursuant to Rule 81(b), of the Standing Rules and Orders of the Senate, President Pro Tempore David C. Long has appointed the following senators to serve as Senate conferees (or advisors) on Engrossed House Bill 1503:

Conferees: Lawson and Simpson

Advisors: Miller and Arnold

LONG  
Date: 4/24/2007  
Time: 3:46 p.m.

Report adopted.

**PRESIDENT PRO TEMPORE'S REPORT  
OF  
ASSIGNMENT OF CONFEREES**

Pursuant to Rule 81(b), of the Standing Rules and Orders of the Senate, President Pro Tempore David C. Long has appointed the following senators to serve as Senate conferees (or advisors) on Engrossed House Bill 1426:

Conferees: Ford and Lanane

Advisors: Kruse and Breaux

LONG

Date: 4/24/2007

Time: 3:46 p.m.

Report adopted.

**PRESIDENT PRO TEMPORE'S REPORT  
OF  
ASSIGNMENT OF CONFEREES**

Pursuant to Rule 81(b), of the Standing Rules and Orders of the Senate, President Pro Tempore David C. Long has appointed the following senators to serve as Senate conferees (or advisors) on Engrossed House Bill 1425:

Conferees: Heinold and Simpson

Advisors: Wyss and Errington

LONG

Date: 4/24/2007

Time: 3:51 p.m.

Report adopted.

**PRESIDENT PRO TEMPORE'S REPORT  
OF  
ASSIGNMENT OF CONFEREES**

Pursuant to Rule 81(b), of the Standing Rules and Orders of the Senate, President Pro Tempore David C. Long has appointed the following senators to serve as Senate conferees (or advisors) on Engrossed House Bill 1046:

Conferees: Kruse and Broden

Advisors: Steele and Lanane

LONG

Date: 4/24/2007

Time: 3:54 p.m.

Report adopted.

**PRESIDENT PRO TEMPORE'S REPORT  
OF  
ASSIGNMENT OF CONFEREES**

Pursuant to Rule 81(b), of the Standing Rules and Orders of the Senate, President Pro Tempore David C. Long has appointed the following senators to serve as Senate conferees (or advisors) on Engrossed House Bill 1461:

Conferees: Ford and Broden

Advisors: Zakas and Tallian

LONG

Date: 4/25/2007

Time: 12:07 p.m.

Report adopted.

**PRESIDENT PRO TEMPORE'S REPORT  
OF  
ASSIGNMENT OF CONFEREES**

Pursuant to Rule 81(b), of the Standing Rules and Orders of the Senate, President Pro Tempore David C. Long has appointed the following senators to serve as Senate conferees (or advisors) on Engrossed House Bill 1312:

Conferees: Lawson and Lanane

Advisors: Deig and Walker

LONG

Date: 4/25/2007

Time: 12:08 p.m.

Report adopted.

**REPORT OF THE  
PRESIDENT PRO TEMPORE**

Pursuant to Rule 81(b), of the Standing Rules and Orders of the Senate, President Pro Tempore David C. Long has appointed the following senators to serve as Senate conferees (or advisors) on Engrossed Senate Bill 339:

Advisor: Boots

LONG

Date: 4/25/2007

Time: 11:27 a.m.

Report adopted.

**RESOLUTIONS ON FIRST READING**

**Senate Resolution 59**

Senate Resolution 59, introduced by Senators Smith, Arnold, Breaux, Broden, Deig, Errington, Howard, Hume, Lanane, Lewis, Mrvan, Rogers, Simpson, Sipes, Skinner, Tallian, and R. Young:

A SENATE RESOLUTION to recognize and honor the Senate Democrat Interns for their service during the First Regular Session of the One Hundred Fifteenth Indiana General Assembly.

*Whereas, The following have served as legislative interns for the Democratic Caucus of the State Senate during the First Regular Session of the One Hundred Fifteenth Indiana General Assembly: Alex Beeman; Andrew Berger; William Corsaro; Alex Dickerson; Sarah Frantz; Sam Gilchrist; Bridget Gross; Duane Ingram; Amber Malcolm; Kristina Moorhead; Bethany Nine; Zach Robinson; Nikki Swartz; and Marquita Trotter;*

*Whereas, The conscientious and diligent efforts of the Interns has enhanced the efficiency and effectiveness of the State Senate this legislative session;*

*Whereas, The Interns' hearty support and able assistance have enabled the Senators of the Democratic Party to better represent and serve their constituents in a prompt and courteous manner;*

*Whereas, The work of the legislative interns is vital to the success of each session of the Indiana General Assembly; and*

*Whereas, The members of the Indiana State Senate Democratic Caucus wish to express their gratitude to those individuals who have participated in the internship program: Therefore,*

*Be it resolved by the Senate of the  
General Assembly of the State of Indiana:*

SECTION 1. That the Indiana Senate hereby expresses its deep appreciation to the Senate Democratic Caucus Interns, who have served with diligence and dedication during the First Regular Session of the One Hundred Fifteenth Indiana General Assembly.

SECTION 2. That the Secretary of the Senate is directed to transmit a copy of this resolution to each of the Democratic Caucus Interns.

The resolution was read in full and adopted by voice vote.

#### **Senate Resolution 61**

Senate Resolution 61, introduced by Senators Merritt and Lawson:

A SENATE RESOLUTION to honor the Senate Republican Interns for their service during the First Regular Session of the One Hundred Fifteenth Indiana General Assembly.

*Whereas, During this First Regular Session of the One Hundred Fifteenth Indiana General Assembly, the Senate Republican Interns have provided the Senators of the Republican Party, individually and collectively, with outstanding support and assistance;*

*Whereas, Those serving so ably during this session included: Erin Austin, Allison Baumhart, Katie Boyer, Michelle Brown, Andy Bruner, Kristin Casper, Zach Day, Shane Dearing, Brittany Fogelsong, Nicholas Ford, Corey Humphress, Adam Kane, Kristin Kemper, Shannon Leitgabel, Loren Raven, Ann Richardson, Aaron Ridelin, Grant Scharton, Mark Schocke, Keri Scully, Jayne Stone, Ben Tooley, Katie Thomas and Zachary Voelz;*

*Whereas, The Senate Republican Interns represent eleven universities throughout Indiana: Anderson University, Butler University, DePauw University, Franklin College, Indiana State University, Indiana University, Indiana Wesleyan University, IUPUI, Marian College, Purdue University, Purdue North Central, the University of Indianapolis, and the University of Southern Indiana; and*

*Whereas, The support and assistance of the Interns have contributed to the Senate being more efficient and responsive to the People of this great State: Therefore,*

*Be it resolved by the Senate of the  
General Assembly of the State of Indiana:*

SECTION 1. That the Indiana Senate hereby expresses its full appreciation and sincere commendation to the Senate Republican Interns who have loyally and capably served this First Regular Session of the One Hundred Fifteenth Indiana General Assembly.

SECTION 2. The Secretary of the Senate is hereby directed to transmit a copy of this Resolution to each Republican Intern who served the Senate during the First Regular Session of the One Hundred Fifteenth Indiana General Assembly.

The resolution was read in full and adopted by voice vote.

#### **Senate Resolution 56**

Senate Resolution 56, introduced by Senator Drozda:

A SENATE RESOLUTION to welcome the International Federation of Adipose Therapy and Science (IFATS) to Indianapolis.

*Whereas, IFATS is the world's only interdisciplinary group of researchers focusing on the use of adult stem cells derived from adipose (fat) tissue in tissue engineering and regenerative medicine;*

*Whereas, Researchers who are members of IFATS share the common goal of translating the cutting edge discoveries of adipose biology into clinically relevant advances in the treatment of patients with a wide variety of medical indications;*

*Whereas, IFATS identifies new technology and brings together scientists and industry for productive collaborations;*

*Whereas, IFATS' current scientific areas of interest relate to facilitating the use of adipose tissue as a source of adult stem cells that have the potential to regenerate and repair many different tissues in the body; the generation of new fat tissue for reconstruction after cancer or birth-related defects; and the development of treatments for excess body fat; and*

*Whereas, IFATS' fifth annual international meeting will be held in Indianapolis in October 2007, when Keith L. March, MD, PhD, director of the Indiana Center for Vascular Biology and Medicine at the Indiana University School of Medicine is President of IFATS. This meeting will bring at least 150 scientists from ten countries scattered over four continents to the city in an effort to improve world health through a better understanding of adult stem cells and adipose biology: Therefore,*

*Be it resolved by the Senate of the  
General Assembly of the State of Indiana:*

SECTION 1. That the Indiana Senate honors and welcomes the International Federation of Adipose Therapy and Science to Indianapolis.

SECTION 2. The Secretary of the Senate is hereby directed to transmit a copy of this Resolution to the President of IFATS, Dr. Keith L. March, the immediate Past-President of IFATS, Dr. Jeffrey M. Gimble, and the Presidents-Elect of IFATS, Drs. Anne Bouloumie and Louis Casteilla.

The resolution was read in full and adopted by voice vote.

#### Senate Resolution 62

Senate Resolution 62, introduced by Senator Nugent:

A SENATE RESOLUTION congratulating the Aurora High School Class of 1957 on its 50th Anniversary.

*Whereas, On May 26, 1957, the ninetieth commencement of Aurora High School was held in the Aurora High School Gym. The graduating seniors were presented with diplomas marking the completion of their high school education;*

*Whereas, The Aurora High School Class of '57 numbered seventy nine strong, aggressive, and energetic young citizens. However, nine of those members are now deceased;*

*Whereas, The Aurora High School Class of '57 produced multiple successes, including doctors, lawyers, military veterans, nurses, educators, homemakers, secretaries, small business owners/managers, teachers, athletic coaches, farmers, mechanics, pharmacists, electrical engineers, administrative assistants, parents and grandparents, as well as a State Senator;*

*Whereas, During 1956-57, the President of the Board of Education was Harry "Ham" Cheek, the superintendent was Kenneth Pitts and the Principal was Eugene Gabbard;*

*Whereas, The Class of '57 was blessed to have outstanding teachers and faculty who all took pride in preparing the class members for the world of adulthood;*

*Whereas, The year 1957 was truly a simple time. Gasoline cost 29.9 cents per gallon and a new '57 Chevy or Ford sold for under \$3,000. Still, it was difficult for a high school student to afford either one;*

*Whereas, The nationally known Statler Bro's Quartet recognized all 1957 graduating seniors with their #1 hit song, "The Class of '57 Had Its Dream";*

*Whereas, Locally known as the Aurora Red Devils, the athletic teams included basketball, football, baseball, and track and each were quite successful; and*

*Whereas, The class flower was the red rose, the class colors were red and white, and the class motto was "success is our aim": Therefore,*

*Be it resolved by the Senate of the General Assembly of the State of Indiana:*

SECTION 1. That the Indiana Senate congratulates the Aurora High School Class of 1957 on its 50<sup>th</sup> anniversary.

SECTION 2. The Secretary of the Senate is directed to transmit a copy of this Resolution to Senator Johnny Nugent and the Aurora High School class of 1957.

The resolution was read in full and adopted by voice vote.

### MOTIONS TO CONCUR IN HOUSE AMENDMENTS

#### SENATE MOTION

Madam President: I move that the Senate do concur with the House amendments to Engrossed Senate Bill 286.

KENLEY

Roll Call 465: yeas 43, nays 0. Motion prevailed.

### RESOLUTIONS ON FIRST READING

#### House Concurrent Resolution 81

House Concurrent Resolution 81, sponsored by Senator Arnold:

A CONCURRENT RESOLUTION memorializing John F. Shawley.

*Whereas, John F. Shawley was born on June 16, 1921, and passed away on May 14, 2006, at the age of 84;*

*Whereas, The son of Frank U. and Viola J. Shawley, was born in Michigan City, where he lived most of his life;*

*Whereas, As a young man, John F. Shawley served in the U.S. air force during World War II, where he was a B29 gunner and instructor;*

*Whereas, On March 2, 1940, John F. Shawley married Ruth M. Bell and remained married for 66 years until his death;*

*Whereas, John F. Shawley was a prominent business man, owning the IGA supermarket through 1959, serving as president of Western Michiana Investments for 28 years, and serving as state president of the Indiana Real Estate Association;*

*Whereas, John F. Shawley was awarded with the Distinguished Citizens Award from the Indiana Real Estate Association for his service to the association and his community;*

*Whereas, John F. Shawley was a member of the Michigan City Lions Club and Elks Club and served on the board of the Salvation Army. He was also a life member of John Franklin Miller Post 37 American Legion and served on the state board of Ivy Tech College;*

*Whereas, In 1954, John F. Shawley was elected to the Indiana*

*House of Representatives where he served for six years. His final two years he served as chairman of the Committee on Ways and Means;*

*Whereas, In 1960, John F. Shawley was elected to the Indiana Senate where he served for twelve years. During his tenure as a legislator, John F. Shawley wrote or sponsored more than 100 bills, including the original Medicaid legislation, which became law. The Indiana Post High School Act and the Joint Sponsorship of legislation creating Ivy Tech College were among some his accomplishments;*

*Whereas, John F. Shawley was a strong advocate to bring Purdue North Central to LaPorte County and saw its fruition in 1949;*

*Whereas, John F. Shawley was and Elder in the Earl Road Christian Church and the First Christian Church. He taught Sunday School for many years and loved children; and*

*Whereas, John F. Shawley will be remembered by his family and community as a compassionate individual who sought to bring prosperity to his community of LaPorte County and Michigan City, as well as, to the state of Indiana: Therefore,*

*Be it resolved by the House of Representatives  
of the General Assembly of the State of Indiana,  
the Senate concurring:*

SECTION 1. That the Indiana House of Representatives expresses its sincere condolences to the family of John F. Shawley and its appreciation for his many years of service to the citizens of LaPorte County and the state of Indiana.

SECTION 2. That the Principal Clerk of the House of Representatives transmit a copy of this resolution to his wife, Ruth, brother, Donald Shawley, Purdue North Central and Ivy Tech State College.

The resolution was read in full and adopted by standing vote. The Chair instructed the Secretary to inform the House of the passage of the resolution.

#### **House Concurrent Resolution 82**

House Concurrent Resolution 82, sponsored by Senator Arnold:

A CONCURRENT RESOLUTION memorializing Anne H. Daley.

*Whereas, Anne H. Daley was born on December 16, 1916, and passed away on July 2, 2006, at the age of 89;*

*Whereas, The daughter of Michael and Mary Papoy, Anne H. Daley was born in South Bend and lived there until coming to LaPorte in 1938;*

*Whereas, As a young woman, Anne H. Daley attended Purdue University and graduated from Bethel College with a bachelor of arts degree in sociology. She also attended Valparaiso University*

*graduate school and was certified in graphoanalysis;*

*Whereas, On February 26, 1938, Anne H. Daley married John P. Daley and together they raised three sons;*

*Whereas, Anne H. Daley served as LaPorte County recorder for twelve years and as a LaPorte County councilwoman for eight years;*

*Whereas, Anne H. Daley was dedicated member of Saint Peter Catholic Church of LaPorte;*

*Whereas, A long-time member of the Democratic Party, Anne H. Daley served as a precinct committee person for more than thirty years and on her party's central committee on a city, county and district level;*

*Whereas, Anne H. Daley served several times as a delegate to the Democratic state convention and as the president of the LaPorte Area Women's Democratic Club and board member, as well as serving on many of the club's committees;*

*Whereas, Anne H. Daley was the first LaPorte community member to be president of the Michigan City Women's Democratic Club and worked with her husband, John P. Daley, on LaPorte County Fair projects and was the first to work on the LaPorte County Fair brochure where she continued her service for eight years, she was also active on the historic Pioneer Land Committee;*

*Whereas, Anne H. Daley served for twenty years in county government, including three terms as county recorder and two terms on the county council where she served as the vice president, being the first female officer on the council;*

*Whereas, Anne H. Daley was an active member of the Indiana Records Association and a member of the Indiana Association of County Councils, she was also a member of the American Association of University Women and served as a board member and president of the Board of Regency Place Condominiums Association for four years;*

*Whereas, As an active member of LaPorte County Alumni Leadership Committee and a former board member of the Youth Service Bureau, Anne H. Daley instituted the Anne H. Daley Youth Service Bureau scholarship and, along with her husband, founded the John P. and Anne H. Daley Community Fund;*

*Whereas, Anne H. Daley graduated from the LaPorte County Leadership class whereupon, in 1995, she received the LaPorte County Distinguished Alumni Leadership award;*

*Whereas, In 2000, former Governor Frank O'Bannon bestowed upon Anne H. Daley the prestigious "Sagamore of the Wabash" state award; and*

*Whereas, Anne H. Daley was an exceptional human being who will be remembered for her dedication to her community and the*

*good works which will remain in her stead: Therefore,*

*Be it resolved by the House of Representatives  
of the General Assembly of the State of Indiana,  
the Senate concurring:*

SECTION 1. That the Indiana House of Representatives expresses its sincere condolences to the family of Anne H. Daley and its appreciation for her years as a committed member of LaPorte County and the state of Indiana.

SECTION 2. That the Principal Clerk of the House of Representatives transmit a copy of this resolution to her sons, John Jr., David, and James.

The resolution was read in full and adopted by standing vote. The Chair instructed the Secretary to inform the House of the passage of the resolution.

### **MOTIONS TO CONCUR IN HOUSE AMENDMENTS**

#### **SENATE MOTION**

Madam President: I move that the Senate do concur with the House amendments to Engrossed Senate Bill 506.

MERRITT

Roll Call 466: yeas 40, nays 0. Motion prevailed.

#### **SENATE MOTION**

Madam President: I move that the Senate rescind its action whereby it adopted the Motion to Dissent on Engrossed Senate Bill 267 and that said Motion be withdrawn.

BRAY

Motion prevailed.

#### **SENATE MOTION**

Madam President: I move that the Senate rescind its action whereby it adopted the Motion to Dissent on Engrossed Senate Bill 559 and that said Motion be withdrawn.

PAUL

Motion prevailed.

#### **SENATE MOTION**

Madam President: I move we adjourn until 2:30 p.m., Thursday, April 26, 2007.

LONG

Motion prevailed.

The Senate adjourned at 3:14 p.m.

MARY C. MENDEL  
Secretary of the Senate

REBECCA S. SKILLMAN  
President of the Senate